

A4R
8.L33
V13/5
Copy 3



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 13

February 13, 1996

No. 5

CONTENTS

Week in Review	2
Committee Action	5
Bills Introduced	9
Footnote	15
Index	16

S. C. STATE LIBRARY

FEB 15 1996

STATE DOCUMENTS

OFFICE OF RESEARCH

Room 309, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803)734-3230

Legislative Update--February 13, 1996

WEEK IN REVIEW

HOUSE

Judicial elections to determine seats on the Supreme Court, the Appeals Court, the Circuit Court, and the Family Court, as well as an Administrative Law Judge, were set for Wednesday, February 14th. The Joint Legislative Screening Committee reported that all candidates are qualified. However minority reports were filed finding Circuit Court candidates Thomas Dillard and Brenda Reddix-Small unqualified. Both candidates had been rated as unqualified by the South Carolina Bar Association.

Representatives concurred with Senate amendments on two bills last week. H. 3878 concerning the sale of white perch, and S. 272 authorizing that a special election may be held at the same time as a general election if the special election falls within sixty days of the general election, have been enrolled for ratification.

Many bills received third reading in the House last week. H. 3732 establishes driving with a canceled, suspended, or revoked license as a misdemeanor. By reducing the sentence for a second offense from sixty days to thirty days, the bill also provides that it may be heard by a magistrate rather than in circuit court. H. 4267 would lower workers' compensation insurance by allowing employers to elect optional deductibles and pay small claims out-of-pocket. H. 4338 authorizes Sunday deer hunting on private property. H. 4341 authorizes judges to require that financially able parents of juvenile delinquents reimburse court ordered attorneys or the Indigent Defense Fund. H. 4365 prohibits denying a firefighter entry into an emergency medical technician (EMT) course based on whether his department has an ambulance. H. 4369 provides that a person receiving unemployment compensation may elect to have federal and state taxes withheld. H. 4398 requires retailers of transient and temporary businesses to keep a record of the source of new merchandise. Failure to do so would be a misdemeanor punishable by forfeiture of goods. For a first offense, a retailer would be fined not more than five hundred dollars (\$500), imprisoned for not more than thirty days, or both. Upon a second offense, a retailer would be fined not less than one thousand dollars (\$1000) nor more than five thousand dollars (\$5000), imprisoned for not less than thirty days nor more than sixty days, or both. In addition to being subject to the same penalties for a second offense, retailers would lose their sales tax license upon a third offense. However, this measure would not apply to charitable organizations offering merchandise for sale. H. 4478 raises the tobacco tax on all products, except cigarettes, to five per cent of the manufacturer's price. Cigarettes would continue to be taxed at three and one half mills per cigarette. The measure also increases the discount for timely payments, from two per cent to three and one half per cent, which would offset the tax hike. H. 4490, an auto insurance reform bill, repeals the mandate to write physical damage coverage for safe drivers in order to reduce Reinsurance Facility rates.

Second reading was given to three bills in the House last week. H. 3131 repeals provisions relating to personal service contracts. These contracts are supposed to be registered with the Office of Mesne Conveyance or the Clerk of Court within ten days after signing. However, this is rarely done, and no known clerks of court keep the required index. H. 4360 requires that real property tax bills contain statements of the preceding year's taxes by categories. A provision was added to the measure insuring that this does not become an unfunded mandate to taxing entities.

Legislative Update--February 13, 1996

H. 4402 authorizes the Commission for Minority Affairs to receive funds from public and private sources for research, forums, and training.

The House rejected **H. 4433** which could have prevented a person convicted of a fifth offense Driving Under the Influence (DUI) from losing his license permanently. The bill would have established conditions for reinstatement of a driver's license to a person whose license has been suspended or revoked for at least five years. Under this measure, the person could not have had any traffic violations or alcohol/drug dependency problems for the five years prior to applying for reinstatement. **H. 4474** also had a rocky reception. Representatives voted to continue the bill which would have given the director of the Department of Transportation greater flexibility in hiring/firing employees. If the legislation had passed, over thirteen hundred employees would have served at-will and been exempted from the state grievance process. The measure also encouraged more privatization of the department's planning and engineering services. Construction services are contracted already.

Two bills were placed on the contested calendar. **H. 3062** prohibits legislators from being elected by the General Assembly to an salaried office or position. The measure requires that the legislator resign before filing. It also removes the current four year waiting period for a former legislator to become an administrative law judge or public service commissioner. The other bill which drew objections was **H. 4492**, limiting taxing authority of local governments. The measure prohibits local governments from imposing taxes, charges, or fees without prior authorization of the General Assembly. However, it would not affect taxes, charges, or fees adopted before December 31, 1995.

The time for the hearing with Dr. Victor Reis of the U.S. Department of Energy has been changed to 9:00 a.m. Wednesday, February 14th. Dr. Reis will discuss plans for the proposed tritium accelerator at the Savannah River Site and answer questions.

SENATE

Senators concurred last week with the House amendment on **S. 189**. This bill requires that candidates' names be listed alphabetically on ballots. The measure has been enrolled for ratification and will go to the governor to be signed into law.

An attempt to recall a sine die bill from the Senate Judiciary Committee failed. **S. 1038** which provides that the General Assembly would adjourn at 5:00 p.m. on May 2nd rather than June 6th.

The Senate also gave third reading to a couple of House bills. **H. 3132** provides that a person may not be required to serve as juror more than once every three years. However, he may do so if he chooses. **H. 3486** provides that fraudulent check legislation pertains to checks written to cover preexisting debt from a revolving credit account. Minor amendments to both these bills have send the measures back to the House for concurrence.

Four senate bills received third reading last week and were sent to the House. **S. 144** provides that Voter Registration Boards do not have to be located at the county seat when it is not practicable to do so. **S. 267** concerns reasonable amounts of attorney fees in mortgage foreclosure cases. **S. 606** requires school health screening for students under nine years old. **S. 1084** makes technical changes to the Alcoholic Beverage Control Act.

Second reading was given to four other bills. **S. 66** revises the requirements for building codes and the duties of fire marshals in regard to these codes. The measure also provides that the first two hundred fifty thousand dollars (\$250,000) of taxes on fire insurers must be used for

Legislative Update--February 13, 1996

training and certification of building code enforcement officers. **S. 799** provides that magistrate and municipal courts have concurrent jurisdiction with family courts concerning violations of litter laws by juveniles. **H. 3204** eliminates the statute of limitations on civil actions for a person under disability when imprisoned on a criminal or civil charge or in execution under the sentence of a criminal court for a less term than his natural life. **H. 3954** provides for specific finding that must be made to allow a nonresident to adopt a child in South Carolina.

Legislative Update--February 13, 1996

COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

While the full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet last week, an Environmental Affairs subcommittee did. Members voted to allow three Department of Health and Environmental Control regulations concerning submission of environmental impact statements, and permitting of underground storage tanks and water discharge to go into effect automatically. These regulations conform to earlier statutes already enacted and endorse current practices.

EDUCATION AND PUBLIC WORKS

The Primary and Secondary Education Subcommittee amended and passed out H. 4430, The School Crime Report Act which assigns the Attorney General's Office certain key coordinating functions in the prosecution of school-related crimes. Under the bill, both the State Department of Education and local law enforcement officials are required to report the incidence of certain school-related crimes to the Attorney General's Office. Amendments removed from the bill instructions that the Attorney General may, upon request of the local school district, petition the local school board to expel students charged with particular crimes and may represent the local school district when such cases reach an appellate court. The subcommittee will hold two hearings this week on charter schools legislation. The first will be held on Thursday, February 15, 6-8 p.m. at Dorman High School of Spartanburg. The second will be held in conjunction with the S.C. School Board Association's Winter Conference on Friday, February 16, 4-6 p.m. at the Radisson Hotel in Kingston Plantation, Myrtle Beach.

The Intermodal Transportation and Public Works Subcommittee amended and gave a favorable report to H. 4323, pertaining to maximum speed limits. The bill, completely rewritten by the subcommittee's amendments, sets the following maximum speed limits: seventy-five miles per hour (75 mph) on the interstate system and other freeways as posted; sixty miles per hour (60 mph) on multilane divided primary highways as posted; fifty-five miles per hour (55 mph) on all other sections of highways; and, thirty miles per hour (30 mph) in urban districts. H. 4323 also places a penalty on speeding through a posted work zone which will be in addition to the penalties proscribed for exceeding lawful speed limits. Lastly, the bill requires that one must observe a maximum speed no greater than ten miles per hour below the posted speed limit while hauling a new mobile home on the interstate highways. The subcommittee also amended and gave a favorable report to H. 3803, a bill which raises the ages at which driver's licenses and permits may be obtained. The bill raises from sixteen to seventeen the minimum age at which one may receive a driver's license. An individual who is at least fifteen years of age and who has passed all portions of the examination except the driving test may receive a twelve-month beginner's permit which allows driving during daylight hours under the supervision of someone at least twenty-one years old with at least one year of driving experience. A restricted driver's license may be issued to one who: is at least fifteen but no older than seventeen; has held a beginner's permit; and, has passed the road test and all other examination requirements. The restricted

Legislative Update--February 13, 1996

license allows unsupervised driving during the daylight hours and nighttime driving when accompanied by a licensed driver at least twenty-one years of age.

JUDICIARY

The Judiciary Committee endorsed H. 4492 which prohibits municipalities, counties, special purpose or public service districts from imposing taxes, charges, or fees on individuals, corporations, or businesses. However, the bill would not affect taxes, charges, or fees enacted before December 31, 1995. Supporters of the measure say it provides local governments with a uniform taxing system. Opponents believe it violates "Home Rule" provisions. The bill was taken up by the House and placed on the contested calendar for second reading.

Judiciary Committee members also reported favorably on H. 3131. The bill repeals the requirement of indexing personal service contracts with the Office of the Register of Mesne Conveyance or the Clerk of Court. To do so, either party to a personal service contract must file the contract within ten days after signing. Apparently this is rarely if ever done since no known Clerks of Court maintain an index. However, the bill's sponsor was aware of an instance in which the requirement was been used to void a contract because it was not filed in the Register of Mesne Conveyance's office. This measure received second reading in the House.

A public hearing will be held by the Constitutional Laws Subcommittee on Thursday, February 15th at 9 a.m.. Comments will be heard on H. 3812 concerning affirmative action. The bill prohibits the state from granting preferential treatment to individuals and groups on the basis of race, color, sex, ethnicity, or national origin.

LABOR, COMMERCE, AND INDUSTRY

The full Labor, Commerce, and Industry Committee gave a favorable report to three bills. H. 3536 makes explicit in statutory law that a truck driver and/or owner who works with a motor carrier as an independent contractor is not considered an employee of the motor carrier for the purposes of worker's compensation coverage. H. 4267 gives employers the option of lowering their worker's compensation insurance premiums by agreeing to certain deductibles, thereby paying for small claims "out of pocket." H. 4369 allows an individual receiving unemployment compensation the option of having income tax withheld from payments.

The Labor and Commerce Subcommittee gave a favorable report to an amended version of H. 4078 which regulates the way in which copyright owners of music or their agents may collect royalties through contracts with restaurants, bars, retail establishments, doctor's offices, and other places of businesses where recorded or live music is played. Among other things, the bill aims to ensure uniformity for rate schedules so that two similar businesses making use of copyrighted music in the same geographical area would pay similar rates under contracts they have with the same royalty collecting agency. The subcommittee also recommended R. 1917, consisting of a host of technical changes recommended by the Worker's Compensation Commission in the interest of writing into the regulations practices which the commission has already adopted to improve record keeping, streamline procedures, and reduce paperwork.

Legislative Update--February 13, 1996

The Banking and Consumer Affairs Subcommittee amended, then reported favorably on **S. 296**, pertaining to the disposal of unclaimed demand, savings, or matured time deposits held by banking or other financial institutions and considered abandoned under the Uniform Unclaimed Property Act of 1981. In the form in which it passed the Senate, **S. 296** specified that notification of unclaimed property which apparent owners now receive under the law, should, in the future, be sent by certified mail with return receipt. The subcommittee's amendments, however, eliminate the certified mail requirement, and, instead, raise from twenty-five dollars (\$25) to fifty dollars (\$50) the minimum amount of unclaimed property which a financial institution must report as unclaimed to the Administrator of the S.C. Tax Commission. Among other changes, the amended **S. 296** alters requirements for the reporting of unclaimed property so as to treat banks and insurance companies in a uniform fashion.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee gave favorable reading to two bills: **H. 4365** which allows such agencies as fire departments to provide the advanced emergency medical technician care which is currently performed exclusively by licensed transport services (i.e. ambulance services); and **H. 4493**, a measure which applies the yearly limits on the burning of infectious waste equally to all incinerator facilities, both for-profit incinerators and the currently-exempted hospitals and other non-profit incinerator facilities.

The Subcommittee on Occupational Regulation and Licensing Boards amended, then gave a favorable report to **S. 598**, a bill which allows the Board of Dentistry, in the course of investigating misconduct, to require a licensee, registrant, or applicant to submit to a mental or physical examination if it has been alleged that the person is incompetent to practice by reason of physical or mental illness, alcoholism, or substance abuse. The bill also adds as a grounds for disciplinary action, the inappropriate prescription or administration of drugs by a dentist, dental hygienist, or dental technician.

The Subcommittee on Local Government and Corrections Affairs amended and gave favorable reading to **H. 4354**, which allows a reserve police officer to be in proximate contact (i.e. via radio contact) with a full-time certified police officer, in place of the current requirement that the reserve officer be accompanied at all times by the certified officer.

WAYS AND MEANS

The full Ways and Means Committee did not meet last week in order for subcommittees to finalize their recommendations concerning the appropriations bill (**H. 4600**).

The Public Education Subcommittee recommends an inflation factor of 4 1/2 per cent be adopted to fully fund the Education Finance Act (EFA) and fringe benefits, costing \$54.6 million dollars. The base student cost would increase from \$1684, and weighted pupil units would increase by 5,000 to 765,000. Teacher salaries would get a 3.4 per cent raise to maintain the Southeastern average. School bus drivers also would receive a 3.4 per cent raise. \$13.6 million dollars in non-recurring money would be spent on instructional materials. The Governor's School

Legislative Update--February 13, 1996

for Math and Science would get \$5 million dollars from the Barnwell money. Twenty million dollars in Education Improvement Act (EIA) money would go for technologies such as computers. The subcommittee recommends a \$21 million dollar increase in EIA money. \$41 million dollars in local government innovation funds would be sent to the districts in the form of block grants, but only if the schools meet requirements of the Education Accountability Act. This would allow each district to determine how the funds could be best spent. Also, school incentive grants would increase from \$5 million to \$10 million dollars.

The Higher Education Subcommittee recommends adoption of the Governor's executive budget as it relates to higher education. Under the plan, there would be an additional twelve million dollars in formula funds for about a two per cent increase. Committee members also recommend that of the thirty per cent of revenue generated from low level radioactive waste disposal, half this revenue should be used to fund merit-based scholarships and the other half should be used to fund need-based grants.

The Transportation and Regulatory Subcommittee recommends a two-year phase out of the penny gas tax that currently goes into the General Fund. Under the proposal, that money would go instead to the Department of Transportation to fund road projects. Another recommendation is that the Department of Transportation be required to privatize maintenance operations for its fleet.

The Property Tax Subcommittee and the Revenue Policy Subcommittee held a joint meeting to hear a Property Tax Relief update from the Department of Revenue. Local trends in school and county tax rates also were discussed.

The last of three Medicaid public hearings was held Thursday, February 8th. Representatives of various state agencies were given the opportunity advise the House and Senate Health Care Subcommittees about specific areas Medicaid reform efforts should address. Speakers endorsed maintaining current services and suggested that a single application process should be developed. Other recommendations ranged from the importance of continuing mental health services to implementing different documentation requirements.

Legislative Update--February 13, 1996

BILLS INTRODUCED

The following is a brief overview of some of the bills introduced in the House last week. Bill summaries are listed in numeric order according to committee assignment.

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

No bills were assigned to this committee last week.

EDUCATION AND PUBLIC WORKS

H. 4547 "PUBLIC SCHOOL FACILITIES ASSISTANCE ACT" Rep. Stuart

This bill establishes a School Facilities Assistance Authority to distribute to the school districts a fund of up to two hundred million dollars per year for three years to be used to renovate facilities.

S. 260 TURNING LANES FOR SECONDARY SCHOOLS Sen. O'Dell

This bill requires the Department of Transportation to construct and maintain turning lanes entering and exiting secondary public education facilities.

H. 4561 "CHILDREN'S EDUCATION ENDOWMENT ACT" Rep. Townsend

This bill establishes need-based grants for qualifying undergraduate students attending the state's public or private institutions of higher education. The bill discards the existing requirement under the Palmetto Fellows Scholarship Program that the institution of higher education pay half of the scholarship. The bill also establishes a School Facilities Assistance Fund to provide public school districts financial assistance in renovating facilities.

H. 4583 TEXTBOOK SELECTION Rep. Cooper

Under this bill, the State Department of Education would no longer prescribe and enforce the use of textbooks, but would, instead, be limited primarily to compiling wholesale price lists from publishers. Each district, advised by its appointed instructional materials advisory committee, would adopt textbooks and purchase them at a price not to exceed seventy-five percent of the publisher's wholesale price.

H. 4584 DISTURBING VETERANS MONUMENTS Rep. Cooper

This bill makes it a misdemeanor to disturb monuments or memorials for war veterans and provides a penalty of five thousand dollars (\$5,000), or one year imprisonment, or both.

H. 4586 DEPARTMENT OF TRANSPORTATION RESTRUCTURING Rep. Kelley

The bill calls for the following revisions in the Department: (1) a new emphasis on private-public partnerships and outsourcing of building projects (2) the elimination of state employee grievance rights for certain Department of Transportation employees so that more of the work force might serve at the will of the Director, and (3) the creation of an internal grievance procedure to cover those employees exempted from state grievance rights. The bill also requires a future appointee

Legislative Update--February 13, 1996

to the position of Division Deputy for Construction, Engineering, and Planning to be a professional engineer.

JUDICIARY

H. 4539 SPECIAL BEER AND WINE PERMITS Rep. Meacham

This measure authorizes the Department of Revenue and Taxation to issue a special permit for up to fifteen days in areas which already have passed a voter referendum allowing Sunday mini-bottle sales. The permit costs ten dollars (\$10) a day.

H. 4540 SOLICITATION OF CHARITABLE FUNDS ACT VIOLATIONS Rep. Simrill

The bill increases the fine for a first offense of willful violation of the Solicitation of Charitable Funds Act from not more than one thousand dollars (\$1000) to not less than one thousand dollars (\$1000). The sentence would be not less than six months nor more than one year rather than not more than thirty days as it now stands. While fines for subsequent offenses remain not more than five thousand dollars (\$5000), sentences would be not more than three years rather than the current one year.

H. 4541 DESECRATION OF HUMAN REMAINS OR REPOSITORIES Rep. Simrill

Similar to H. 4531, this bill increases the fine for destroying or desecrating human remains from two thousand dollars (\$2000) to five thousand dollars (\$5000). Sentencing for this felony would remain at not less than one year nor more than ten years. Unlawful destruction or desecration of repositories, monuments, memorial parks, etc. would be subject to a ten thousand dollar (\$10,000) fine rather than the current two thousand dollar (\$2000) fine. Sentencing for this felony remain up to ten years. The bill also takes away the discretion of the court to determine the fine for destruction or vandalization of landscaping or fencing around repositories or burial grounds. The measure proposes a fine for this felony be not more than five thousand dollars (\$5000).

H. 4542 SETOFF DEBT COLLECTION ACT REVISION Rep. Klauber

Concerning collection of setoff debts, the measure includes municipal, county, and regional housing authorities in the definition of "claimant agency."

H. 4543 EVICTION Rep. Rice

The bill reduces the amount of time a tenant has to appeal an eviction notice from ten days to five days after a magistrate's ruling. If the tenant contests the judgement, the magistrate will hear the case immediately, giving it first priority along with any other such pending cases. If the tenant loses his appeal, the magistrate will issue immediately a writ of ejectment.

H. 4551 VIOLENT OFFENDERS RELEASE Rep. Haskins

This measure presumes the releasing of a violent offender on his own recognizance would endanger the community.

H. 4552 VICTIMS' BILL OF RIGHTS Rep. Haskins

This joint resolution provides for a voter referendum to amend the State Constitution in order to include the "Victims' Bill of Rights." Measures included in the "Victims' Bill of Rights" include fair

Legislative Update--February 13, 1996

treatment of victims, notification of proceedings involving offenders, and access to documents concerning offenders. Voters also would determine whether bail may be denied to violent offenders.

H. 4554 CONCEALED PISTOL Rep. Kirsh

This bill authorizes a retired commissioned law enforcement officer who is a private detective or investigator to carry a concealed handgun.

H. 4558 RECALL OF PUBLIC OFFICIALS Rep. Whatley

The joint resolution authorizes a voter referendum to amend the State Constitution so that electors could remove a public official from office by means of a recall petition. The only basis for recall would be physical or mental lack of fitness, incompetence, violation of oath of office, official misconduct, or conviction of a felony. Only qualified voters could sign the petition, and petitions could not be filed against an official more frequently than every two years. Recall petitions against statewide officials would have to contain the signatures of at least fifteen per cent of registered voters. Petitions against state-district, local government, special purpose district, and school district officials would have to contain at least twenty-five per cent of registered voters in that district.

H. 4560 COMMUNITY RECREATION SPECIAL TAX DISTRICTS Rep. Kelley

In order for a community recreation special tax district to increase its boundaries, the bill requires at least fifteen per cent of qualified voters residing in the area proposed to be added to the district must first sign a petition asking to be included. Also, the proposed increased area must be contiguous to the existing boundaries of the current community recreation special tax district.

H. 4563 GAS SAFETY ACT REVISIONS Rep. McKay

The bill deletes language prohibiting the Public Service Commission from prescribing the location or routing of any pipeline facility "rights-of-way." The measure also requires a certificate of environmental compatibility and public convenience and necessity for the siting of gas pipelines. Before the certificate can be issued, the gas pipeline company must demonstrate by clear and convincing evidence the need for the proposed pipeline and that the selected route is the alternative with the least adverse impact upon and disruption to the environment and community.

H. 4565 MANAGER OF ELECTION Rep. R. Smith

Under the measure, the employer of a manager of election must treat the time the manager spends conducting an election the same as jury duty time for purposes of leave policies.

H. 4582 OMNIBUS HIGHWAY SAFETY ACT Rep. Wilkins

The federal government is requiring states to pass legislation concerning underage driving under the influence (DUI) in order that states do not lose federal highway funds. This bill provides for a six month suspension of drivers' licenses in cases of underage driving under the influence (DUI). It also sets a blood alcohol content (BAC) level of two one-hundredths of one per cent (0.02%) for those under 21 years old. In addition, the measure provides that a person suspected of DUI submit to testing or automatically lose his driver's license for six months. An additional provision in the bill raises the fine for safety belt violations from ten (\$10) to twenty-five (\$25) dollars with a cap of fifty dollars (\$50) for any one incident. It also provides that not wearing a seat belt is a primary rather than a secondary violation. The measure authorizes law enforcement officers to

Legislative Update--February 13, 1996

stop a driver for a safety belt violation in the absence of any other violation. as a primary rather than a secondary enforcement.

H. 4588 PURGING OF CRIMINAL RECORDS Rep. Keyserling

Current law provides that a criminal record be expunged after a person has been found innocent or the case has been discharged or dismissed. This measure requires the presiding judge presiding issue an order to the law enforcement agency that initiated the action to expunge the record. That agency then must send the person confirmation of expunging the record.

H. 4589 HIT-AND-RUN ACCIDENTS Rep. Limehouse

The proposed legislation increases the penalties to a driver failing to stop after his vehicle is involved in an accident where someone is injured or killed. The fine has been raised from not less than one hundred dollars (\$100) to five thousand dollars (\$5000). Currently the sentence for a violation is not less than thirty days nor more than one year. This measure increases that to not less than one year nor more than fifteen years.

S. 1084 ALCOHOLIC BEVERAGE CONTROL ACT REVISIONS Senate Judiciary Committee

The bill is a complete technical rewrite of the Alcoholic Beverage Control Act in order to consolidate beer and wine, and liquor provisions into appropriate chapters.

LABOR, COMMERCE, AND INDUSTRY

H. 4542 SETOFF DEBT COLLECTION ACT REVISIONS Rep. Klauber

This bill revises a definition under the Setoff Debt Collection Act so as to include municipal, county, and regional housing authorities under the category of "claimant agency."

H. 4544 REPRODUCING INSURANCE RECORDS Rep. Cotty

This bill allows insurance and insurance-related companies to reproduce records (by photographing, microfilming, digitizing, etc.) and substitute these reproductions for originals for use in courts and the proceedings of administrative agencies.

H. 4545 ELECTRIC UTILITY RATES Rep. Klauber

This bill redefines "cost" for an electric utility to include fuel cost, purchased power cost not currently included in base rates, and costs of sulfur dioxide emission allowances. The Public Service Commission will make use of these measures in monitoring the rate changes of electric utilities. Also included is a presumption that the utility made every reasonable effort to minimize cost associated with the operation of its nuclear generation facility, as applicable.

H. 4546 SALE OF ELECTRIC UTILITY PROPERTY Rep. Klauber

This bill eliminates the hearing currently required when an electric utility sells or otherwise transfers property. It also allows an electric utility to sell or otherwise transfer utility property of a value of one million dollars or less without prior approval of the Public Service Commission. Under current law, only out-of-state property of such amount may be sold without permission.

Legislative Update--February 13, 1996

H. 4562 INSPECTION OF BOILERS Rep. Keegan

This bill provides for the inspection of boilers and pressure vessels, nuclear power systems, and power and process piping systems. It establishes a board to promulgate rules for safe construction, maintenance, and repair, and provides for inspections and penalties for violations.

H. 4574 ASSIGNED RISK Rep. Wright

This bill requires insurance companies to submit for the approval of the Insurance Commissioner a written report on any arrangement they might make among themselves to distribute the assigned risk of applicants who are entitled to insurance, but unable to procure it through ordinary methods. Also, the Commissioner may allow insurers to submit requests to be designated a state servicing carrier for the assigned risk pool for worker's compensation insurance. The Commissioner may opt to select such carriers through a competitive bidding, alone.

H. 4585 INSURANCE FOR CANCER TREATMENTS Rep. Klauber

This bill prevents an insurance policy which provides coverage for drugs from excluding coverage for a anti-cancer drug on the grounds that the Federal Food and Drug Administration has not approved the drug for use against the specific type of cancer for which it has been prescribed.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S. 922 DIVISION OF FOSTER CARE REVIEW Sen. Wilson

This bill requires the Division for Review of the Foster Care of Children to make recommendations to the Governor rather than to the General Assembly. Under this bill, a child caring facility or agency would no longer notify the chairman of the local review board when disputing a board's decision to place a child in the facility's care.

H. 4564 LICENSING OF PSYCHOLOGISTS AND COUNSELORS Rep. R. Smith

This bill makes various revisions regarding the use and display of psychological and counseling licenses and titles. It exempts from the licensing requirement certain professionals such as ministers who perform services similar to professional counseling, but do not advertise themselves as professional counselors. The Licensing Board is directed to publicize the means by which complaints may be made against those who falsely advertise psychological or counseling credentials. Licenses are required to be displayed at all locations where business is practiced.

H. 4568 OVERSIGHT OF VETERANS HOMES Rep. Hutson

This bill provides that the Mental Health Commission shall consult with the Division of Veterans Affairs over the policies, management, and operation of veterans homes.

WAYS AND MEANS

H. 4548 UNIVERSITY OF SOUTH CAROLINA ATHLETIC FACILITIES BONDS Rep. Boan

This measure authorizes the University of South Carolina to issue revenue bonds in order to acquire, build, renovate, and equip athletic facilities. The bill removes the requirement that these

Legislative Update--February 13, 1996

expenditure must have prior approval of the Budget and Control Board. It also extends the tax exemption status of such bonds, and deletes the requirement that all of USC's home games be played at Carolina Stadium.

H. 4549 UNIVERSITY OF SOUTH CAROLINA HOUSING BONDS Rep. Boan

The bill authorizes the University of South Carolina to issue revenue bonds in order to build, renovate, acquire or equip student and faculty housing facilities without prior approval of the Budget and Control Board and the Joint Bond Review Committee. The measure also deletes the twenty-five million dollar cap on such outstanding bonds and requires that these bonds have identifiable revenues available for repayment.

H. 4550 UNIVERSITY OF SOUTH CAROLINA REVIEW BOND ACT Rep. Boan

This measure authorizes the University of South Carolina to issue revenue bonds in order to finance or refinance acquisition, construction, reconstruction, renovation, and improvement of land, buildings, and other improvements to real property and equipment.

H. 4553 AGRICULTURAL USE CLASSIFICATION FOR REAL PROPERTY Rep. Koon

The proposed legislation extends the "grandfather" provisions allowed cropland and timberland as long as the current owner or an immediate family member has owned the property since at least January 1, 1984. Also, that property must have been classified as agricultural real property for property tax year 1994.

H. 4557 BINGO TAX ACT OF 1996 Rep. Kirsh

This bill would regulate Bingo in South Carolina. It establishes definitions and requirements pertaining to Bingo, provides for penalties for violations, and requires that proceeds be allocated to the State Commission on Aging, the Department of Parks, Recreation, and Tourism, and the State General Fund.

H. 4559 GAS TAX EXEMPTION FOR RACING Rep. Sharpe

The proposed legislation exempts the tax on motor fuel for use in racing vehicles not licensed to operate on public highways.

H. 4580 PROPERTY TAX EXEMPTION FOR VEHICLES Rep. Fleming

Under this bill, the first five thousand dollars (\$5000) of fair market value of all private passenger motor vehicles and trucks which weigh not more than five thousand pounds when they are empty would be exempt from property taxes to fund school expenses when that vehicle is registered to an individual for personal use rather than commercial.

Legislative Update--February 13, 1996

FOOTNOTE

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," then typing "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, chose the Update corresponding to the week you need and press "enter."

The Legislative Update is also on the World Wide Web! Visit the South Carolina General Assembly Home Page (WWW.LPITR.STATE.SC.US) and click on the "Quick-Find Guide." On the next screen, click on "Reports." This will list all of the Legislative Updates by week. Click on the week you need.

Legislative Update--February 13, 1996

		Index	
S. 66	3	H. 4492	6
S. 144	3	H. 4492	3
S. 189	3	H. 4493	7
S. 260	9	H. 4531	10
S. 267	3	H. 4539	10
S. 272	2	H. 4540	10
S. 296	7	H. 4541	10
S. 296	7	H. 4542	10
S. 296	7	H. 4542	12
S. 598	7	H. 4543	10
S. 606	3	H. 4544	12
S. 799	4	H. 4545	12
S. 922	13	H. 4546	12
S. 1038	3	H. 4547	9
S. 1084	3	H. 4548	13
S. 1084	12	H. 4549	14
H. 3062	3	H. 4550	14
H. 3131	2	H. 4551	10
H. 3131	6	H. 4552	10
H. 3132	3	H. 4553	14
H. 3204	4	H. 4554	11
H. 3486	3	H. 4557	14
H. 3536	6	H. 4558	11
H. 3732	2	H. 4559	14
H. 3803	5	H. 4560	11
H. 3812	6	H. 4561	9
H. 3878	2	H. 4562	13
H. 3954	4	H. 4563	11
H. 4078	6	H. 4564	13
H. 4267	6	H. 4565	11
H. 4267	2	H. 4568	13
H. 4323	5	H. 4574	13
H. 4323	5	H. 4580	14
H. 4338	2	H. 4582	11
H. 4341	2	H. 4583	9
H. 4354	7	H. 4584	9
H. 4360	2	H. 4585	13
H. 4365	7	H. 4586	9
H. 4365	2	H. 4588	12
H. 4369	6	H. 4589	12
H. 4369	2	H. 4600	7
H. 4402	3		
H. 4430	5		
H. 4433	3		
H. 4474	3		
H. 4490	2		

Total copies 500

Total cost \$ 336.00

Cost per copy \$.56

Date 2-13-96

S. C. Legislative Council